

# VA261-14-D-0227 SSJA Redacted

Wednesday, October 15, 2014  
11:32 AM

DEPARTMENT OF VETERANS AFFAIRS

Justification and Approval

For

Other Than Full and Open Competition

1. **Contracting Activity:** Department of Veterans Affairs, VISN 21, VA Northern California Health Care System PR 612-14-2-908-0021.
2. **Nature and/or Description of the Action Being Processed:** VA Northern California Health Care System, requires home oxygen supplies for its beneficiaries. VISN 21 combined currently serves an estimated 2,400 oxygen-using patients and 4,000 Continuous Positive Air Pressure equipment using patients, of which Northern California comprise a large portion. The above services /supplies are to be procured via Firm Fixed Price contract vehicle.
3. **Description of Supplies/Services Required to Meet the Agency's Needs:** The Contractor will be responsible for coordinating, supervising, monitoring and evaluating performance of beneficiary visits for the delivery of home oxygen and other, or related devices which are listed in the above. The Contractor will also be responsible for any requested new patient set-ups and follow-up visits to be coordinated with the COR (Contracting Officer's Representative). Equipment maintenance and availability for Emergency response is also required. Estimated quantities per year are as follows:

HPCPS CODE	ITEM DESCRIPTION	UNIT	ESTIMATED YEARLY QUANTITIES
E1392	Concentrator, Colored Tubing, Adapter Humidifier (when required), Cannulas or Masks and other required supplies and equipment, including back-up systems.	Month	1920
E1390	To include all supplies, equipment maintenance and 90 calendar day visit as described in Item 1	Month	150
E1390	To include all supplies, equipment maintenance and 90 calendar day visit as described in Item 1	Month	50
E1390	To include all supplies, equipment maintenance and 90 calendar day visit as described in Item 1	Month	50
E0431	Portable System, Regulator, Flowmeter, Humidifier, Cannulas, or Masks, Tubing, Conserving Device and O2 Tank Cylinder Stands capable of holding 12 cylinders, sizes E, D, C & M-6	Month	420
E0439	Reservoir, Regulator, Flowmeter, Humidifier, Cannulas or Masks, and Colored Tubing.	Month	6
E0434	Portable Container, Refill Adapter Flowmeter, Cannulas or Masks, and Colored Tubing. Reservoir will be provided if another Stationary System (e.g. Concentrator) is rented.	Month	6

E0601	Delivery, Set-up & Training of Government Owned CPAP in Patient's Home to include mask and all required supplies	EA	720
E0601	Maintenance of Government Owned CPAP, to include maintenance in accordance with Manufacturer recommendation, replacement of Mask, Headgear, Chinstraps, Tubing & Filters Disposable/Non-Disposable in Patients Home Mask will be provided by VA	EA	
E0601	Delivery, Set-up & Training of Government Owned CPAP at the Contractors Facility to include mask and all supplies	EA	75
E0470	Delivery, Set-up & Training of Government Owned BiLevel in Patient's Home to include mask and all supplies	EA	120
E0470	Maintenance of Government Owned BiLevel, to include maintenance in accordance with Manufacturer recommendation, replacement of Mask, Headgear, Chinstraps, Tubing & Filters Disposable/Non-Disposable in Patients Home. Mask will be provided by VA	EA	100
E0470	Delivery, Set-up & Training of Government Owned BiLevel at the Contractors Facility to include mask and all supplies	EA	50
E0570	Delivery, Set-up and Training of Government Owned Nebulizer, Compressor or Battery Powered as ordered	EA	4
E0600	Purchase, Delivery, Set-up and Training of Contractor Home Model Respiratory Suction Pump, portable or stationary electric to include all supplies	EA	22
E0600	Delivery, Set-up, and Training of Contractor Owned Suction Pump to Include all supplies	EA	2
E0450	Delivery, Set-up, Training, and Maintenance of Contractor Owned Stationary or Portable Ventilator, to include back up Ventilator and all supplies	Month	1
E0450	Delivery, Set-up, and Training of a Government Owned Ventilator to include all necessary supplies	EA	1
E0450	Maintenance of Government Owned Ventilator Systems, to include all supplies	Month	1
E0565	Rental of Contractor Owned and Maintained continuous or intermittent air compressor for use with equipment not self-contained or cylinder driven, to include all associated supplies	Month	1
A9901	Deliveries not made under all other line items	EA	30
VA120	Government requested Respiratory Therapist visit not covered by other Line Items	EA	20
A7030	CPAP/Bilevel Full Face Masks Including Headgear	EA	
A7034	CPAP/Bilevel Masks, Nasal Interface, Nasal Pillows & Nasal Cushions (Mask or Cannula Type) Including Headgear	EA	

E0443	E Cylinder Refill	CYL	150
E0443	D Cylinder Refill	CYL	20
E0443	C Cylinder Refill	CYL	20
E0443	M-6 Cylinder Refill	CYL	400
E0443	H Tank Refill	CYL	15
E0444	Liquid Oxygen Refill	LB	25

Anticipated Dollar Value for six month Base Period: [REDACTED]

Three month Option: [REDACTED]

2<sup>nd</sup> Three month Option: [REDACTED]

Total: [REDACTED]

4. **Statutory Authority Permitting Other than Full and Open Competition:**

10 U.S.C. 2304(c)(2) or 41 U.S.C. 253(c)(2).as implemented by FAR 6.302-2(a).

(X) (2) Unusual and Compelling Urgency per FAR 6.302-2;

5. **Demonstration that the Contractor's Unique Qualifications or Nature of the Acquisition Requires the Use of the Authority Cited Above (applicability of authority):**

**Unusual and Compelling Urgency (FAR 6.302-2, 6.303-2(a)(9)(ii))** – The current contract for this supply is expired. There will be a five year procurement action to follow this bridge action to pick up where the previous contract left off, The emergency has not been caused by the lack of planning. The delay in award of a follow in contract is the result of a personnel issue. Due to the delay in the new contract, it appears that without a bridge action, VA patient care would be severely affected, as patients that require home oxygen, have no other means of obtaining support for their conditions. This bridge action is necessary due to the complexity of the requirement, in that the scheduling, and operational coordination from the Contractor generally requires a phase-in period of up to ninety (90) days to relay invaluable patient information, and coordinate transfer of patient equipment. This bridge action will allow for patient needs to be satisfied, and also for a more cohesive, competitive procurement action to be awarded than if we had to expedite a new award.

Any other action at this juncture would cause undue harm and serious injury to the Government and VA Patients.

6. **Description of Efforts Made to ensure that offers are solicited from as many potential sources as deemed practicable:**

This action will be synopsized to the GPE as required by FAR 5.201.

Actions taken to achieve maximum competition will be achieved through the new contract which is currently being processed.

7. **Determination by the Contracting Officer that the Anticipated Cost to the Government will be Fair and Reasonable:**

The Contracting Officer has determined that the anticipated price will be determined to be fair and reasonable. A Price Negotiation Memorandum (PNM) will detail how the Government has determined that the anticipated costs will be fair and reasonable.

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As this item has been determined to be commercial, cost or pricing data will not be required. Pricing techniques such as are described the FAR, will be used to establish price fairness and reasonableness.

**8. Description of the Market Research Conducted and the Results, or a Statement of the Reasons Market Research Was Not Conducted:**

There are a number of potential sources for this supply to include:

1. Agfa Healthcare Corporation
2. Alko Enterprises
3. Base Technologies
4. Blue Lab Medical LLC
5. Carestream Health Inc.
6. Fujifilm Medical Systems
7. GE Healthcare
8. McKesson Medical Imaging Group

Though these companies may be able to provide the supply needed to meet the requirement, there would be no time for transition, and so they will be considered and included in competition for the 5 year contract.

Due to the urgency of this bridge action, little market research was conducted, as there is only one source that is able to provide continuity of service.

**9. Any Other Facts Supporting the Use of Other than Full and Open Competition:**

This is contemplated to be a bridge action to provide the needed supplies to VA Patients, only for the duration of time the new procurement action is pending award.

**10. Listing of Sources that Expressed, in Writing, an Interest in the Acquisition:**

N/A

**11. A Statement of the Actions, if any, the Agency May Take to Remove or Overcome any Barriers to Competition before Making subsequent acquisitions for the supplies or services required:**

A five year competitive contract action is planned following the bridge, and will seek to maximize competition. This bridge action will aid in the efforts of competition for the five year contract, as it will allow more time for interested parties to submit.

**12. Requirements Certification:** I certify that the requirement outlined in this justification is a Bona Fide Need of the Department of Veterans Affairs and that the supporting data under my cognizance, which are included in the justification, are accurate and complete to the best of my knowledge and belief.

[Redacted]  
[Redacted]  
[Redacted]  
VA NCHCS

6/27/2014  
Date

**13. Approvals in accordance with FAR 6.304**

- a. **Contracting Officer's Certification (required):** I certify that the foregoing justification is accurate and complete to the best of my knowledge and belief.

[Redacted]  
[Redacted]  
[Redacted]  
Daniel E. Czech  
Contracting Officer  
NCO 21

9/10/2014  
Date

- b. **NCM/PCM (Required \$3K and above):** I certify the justification meets requirements for other than full and open competition.

[Redacted]  
[Redacted]  
Patricia Benson  
For Director of Contracting  
NCO 21

9/16/2014  
Date